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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

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COMMISSIONERS

DOCKETED

JUN - 6 2003

ARIZONA CORPORATION COMMISSION
DOCUMENT CONTROLMARC SPITZER, Chairman
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DOCKETED BY

CR

TROY & TRACY DENTON,

DOCKET NO. T-01051B-02-0535

vs.

QWEST CORPORATION.

APRIL & BRYANT PETERS,

DOCKET NO. T-01051B-02-0519

vs.

QWEST CORPORATION.

JOHN J. AND PATRICIA J. MARTIN,

DOCKET NO. T-01051B-02-0518

vs.

QWEST CORPORATION.

SUSAN BERNSTEIN,

DOCKET NO. T-01051B-02-0517

vs.

QWEST CORPORATION.

TOMMY L. WHITE

DOCKET NO. T-01051B-02-0516

vs.

QWEST CORPORATION

SANDRA RODR,

DOCKET NO. T-01051B-02-0515

vs.

QWEST CORPORATION,

KIRK & BOBBI LIMBURG,

DOCKET NO. T-01051B-02-0514

vs.

QWEST CORPORATION,

ARNOLD & TAMARA FATHEREE,

DOCKET NO. T-01051B-02-0513

vs.

QWEST CORPORATION,

ERNIE & SHERRY THOMPSON,

DOCKET NO. T-01051B-02-0512

vs.

QWEST CORPORATION.

PROCEDURAL ORDER

1 **BY THE COMMISSION:**

2 On July 9, and July 11, 2002, Troy and Tracy Denton, April and Bryant Peters, John H. and
3 Patricia J. Martin, Susan Bernstein, Tommy L. White, Sandra Rodr, Kirk and Bobbi Limburg, Arnold
4 and Tamara Fatheree, and Ernie and Sherry Thompson (hereinafter "Complainants") filed various
5 Complaints against Qwest Corporation ("Qwest") that basically stated the Complainants wished to
6 receive phone service. Qwest has refused to provide telephone service to the Complainants based on
7 Qwest's claims that the Complainants are not located within Qwest's service territory.¹

8 Since that time, there have been numerous procedural conferences held in this matter, and on
9 May 14, 2003, a Procedural Order was issued that set this matter for hearing on June 17, 2003. The
10 Procedural Order also requested Staff to prepare a Staff Report to address some concerns regarding
11 the costs of service to Complainants by Qwest and Midvale.

12 On May 22, 2003, Qwest filed a Motion for Reconsideration of the Procedural Order and
13 Motion for Protective Order. In its Motion, Qwest argued that the Hearing Division has
14 unnecessarily expanded the scope of this docket, inappropriately required Staff to provide
15 information outside the scope of its stated level of participation, and required additional discovery
16 that is not reasonably calculated to lead to the discovery of admissible evidence. Qwest argued that
17 the additional data requested is not relevant and is highly technical and speculative, potentially
18 causing further delay of the hearing.

19 On June 3, 2003, Staff filed a response to Qwest's Motion for Reconsideration of Procedural
20 Order. In its response, Staff indicated that it had sent out additional data requests in order to prepare
21 the Staff Report as ordered. Staff stated that its ability to adequately respond to the Procedural Order
22 and prepare a Staff Report is impacted by Qwest's refusal to supply the additional information.

23 Qwest is the Respondent in this case and Staff's "level of participation" is for the Commission
24 to determine, not Qwest. The information Qwest was ordered to provide is reasonably related to the
25 contested issues, and would be helpful to the Commission in its resolution of this Complaint.
26 Therefore, the hearing in this matter should be continued so that Qwest can supply Staff with the
27

28 ¹ All the Complaints were consolidated into one case.

1 required information in a timely fashion prior to the hearing in this matter.

2 IT IS THEREFORE ORDERED denying Qwest's Motion for Reconsideration of Procedural
3 Order and Motion for Protective Order.

4 IT IS FURTHER ORDERED that Qwest shall respond to Staff's data requests on or before
5 June 20, 2003.

6 IT IS FURTHER ORDERED that the hearing set for June 17, 2003 is vacated and is reset for
7 July 14, 2003.

8 IT IS FURTHER ORDERED that Staff shall file a Staff Report on or before July 9, 2003.

9 IT IS FURTHER ORDERED that the Ex Parte Rule is still in effect.

10 IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend or waive
11 any portion of this Procedural Order by subsequent Procedural Order or by ruling at hearing.

12 Dated this 6 day of June, 2003.

13
14 
15 PHILIP J. DION III
ADMINISTRATIVE LAW JUDGE

16 Copies of the foregoing mailed/delivered
this 6 day of June, 2003 to:

17 Conley E. Ward
18 Cynthia A. Melillo
19 GIVENS PURSLEY
20 277 North 6th Street, Ste. 200
P.O. Box 2720
Boise, ID

21 Joe F. Tarver
22 2960 N. Swan Road, Ste. 300
Tucson, AZ 85712-1292

23 Midvale Telephone Exchange, Inc.
24 P.O. Box 7
Midvale, ID 83645

25 Troy and Tracy Denton
26 P.O. Box 26343
Prescott Valley, AZ 86312

27 April and Bryant Peters
28 P.O. Box 27302
Prescott Valley, AZ 86312

John J. and Patricia J. Martin
P.O. Box 25428
Prescott Valley, AZ 86312

Susan Bernstein
7835 East Memory Lane
Prescott Valley, AZ 86312

Tommy L. White
P.O. Box 27951
Prescott Valley, AZ 86312

Sandra Rodr
P.O. Box 25996
Prescott Valley, AZ 86312

Kirk and Bobbi Limburg
P.O. Box 27683
Prescott Valley, AZ 86312

1 Arnold and Tamara Fatheree
2 P.O. Box 26268
3 Prescott Valley, AZ 86312

4 Ernie and Sherry Thompson
5 P.O. Box 27016
6 Prescott Valley, AZ 86312

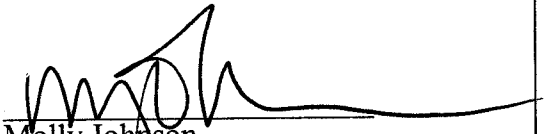
7 Timothy Berg
8 Darcy Renfro
9 3003 N. Central Avenue, Ste. 2600
10 Phoenix, AZ 85012
11 Attorneys for Qwest Corporation

Christopher Kempley, Chief Counsel
Legal Division
ARIZONA CORPORATION COMMISSION
1200 West Washington
Phoenix, AZ 85007

Ernest G. Johnson, Director
Utilities Division
ARIZONA CORPORATION COMMISSION
1275 West Washington
Phoenix, AZ 85007

ARIZONA REPORTING SERVICE, INC.
2627 N. Third Street, Suite Three
Phoenix, Arizona 85004-1003

By:


Molly Johnson
Secretary to Philip J. Dion III